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EXAMINER

PENG, FRED H

ART UNIT PAPER NUMBER

2633

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086.739

Applicant(s)

MATSUMOTO ET AL.

Examiner

fred peng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/10/02.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 17 is objected to because of the following informalities: The claim it depend on should be Claim 13 instead of Claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
2. Claims 1-4, 7-8, 11-14, 17-22, 25-26, 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2003/0149988 A1)

Regarding Claim 1, Ellis anticipates a data receiving apparatus, comprising receiving means for receiving a television broadcast signal of a broadcast program by "During normal television viewing, the video signals provided to television 36 correspond to the desired channel to which the user has tuned with set-top box 28 (See Paragraph 104 lines 13-16)". Ellis further anticipates input means for inputting program information about a broadcast program received by an external receiving apparatus by "Local media server 29 may be a device in the home of the user that is suitable for storing and playing back programs on demand. Local media server 29 may be, for example, a personal computer connected to set-top box 28 via an Ethernet connection, standard serial or parallel port, universal serial bus, an IEEE 1394 bus, etc (See Paragraph 108 lines 1-6)". Ellis further anticipates profile generation means for generating a user profile based on a history of a broadcast program and the program information by the input means by "When a user indicates a desire to record a program or program grouping on remote media server 24 or local media server 29 (and possibly a desire to confirm recording of the program), the program guide generates a record request that is transmitted to the appropriate remote media server by communications device 51 (FIG. 9) via communications path 20 or 31. The record request may include, for example, an identifier for the program that the user wishes to

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record, an identifier for the user, and, if desired, any other information related to the program and the user (See Paragraph 142 lines 1-10). At the time a selected program or program in a grouping airs (which may be the time at which the program is selected for recording), remote media server 24 or local media server 29 may record the program and any associated program guide data... Once the selected program is recorded, ... Local media server 29 may provide a copy of user directory 59 to the program guide if the program guide maintains a copy of user directories. ... In still another suitable approach, user directories 59 may be maintained solely by remote media server 24 or local media server 29 and provided to the program guide on request (See Paragraph 143 lines 1-10). Local media server 29 may provide the data to user television equipment 22 via communications path 29. The program guide may access the retrieved program guide data and may present it to the user so that the user may interact with the data during playback just as when the program was originally aired (See Paragraph 158 lines 7-12)".

Regarding Claim2, Ellis further anticipates searching means for searching for a program based on the user profile by "Processing circuitry 11 may process the requests by searching a user's user directory 59 for the requested programs (See Paragraph 91 lines 4-6)".

Regarding Claim3, Ellis further anticipates picture generation means for generating a guidance picture based on a search result and display control means for outputting image data of the guidance picture by "FIG. 18d shows an illustrative directory screen that may be displayed by the program guide when a user indicates a desire to access a directory of programs recorded for a user on the remote media server of FIGS. 2a-2e or the local media server of FIG. 7 (See Paragraph 42)".

Regarding Claim4, Ellis further anticipates profile generation means detecting a view time of a program associated with the program information and generates user profile based on detected view time by "Illustrative entries 121 in job queue 120 are also shown in FIG. 5. The entries 121 may include, for example, the dates, start times, end times (or durations), channels, and program identifiers for the programs that have been selected for recording on remote media server 24 (See Paragraph 87 lines 1-5)". Billing system 199 receives information from interactive

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program guide television equipment 17 regarding programs that are ordered, recorded, or played back on interactive program guide television equipment 17 (See Paragraph 61 lines 7-11). The billing information may include the title of the program that was selected, its identifier, its length, the charge for the record, or any other suitable information (See Paragraph 188 lines 9-12)".

Regarding Claim7, Ellis further anticipates external receiving apparatus can record and reproduce data on and from a storage medium and wherein input means input program information of data reproduced from the storage medium by " Programs and program guide data may be recorded and played back on-demand by remote media server 24 in response to record and playback requests (See Paragraph 74 lines 1-3)".

Regarding Claim8, Ellis further anticipates external receiving apparatus can book recording a received program and wherein input means inputs program information of program for which recording is booked by " FIG. 11a shows, for, example, a listing for a scheduled recording of "I Love Lucy" at 10:30 PM on Jun. 5, 1999. The listing has icon 299 that indicates the listing is for a program that is to be recorded (See Paragraph 125 lines 8-11)".

Regarding Claim11, Ellis further anticipates external receiving apparatus can record data relating to a received program on a storage medium and wherein input means inputs program information oft said stored data into the storage by "Programs and program guide data may be recorded and played back on-demand by remote media server 24 in response to record and playback requests (See Paragraph 74 lines 1-3)".

Regarding Claim12, Ellis anticipates a data receiving apparatus, comprising receiving means for receiving a television broadcast signal of a broadcast program (See Paragraph 104 lines 13-16). Then further anticipates input means for inputting program information about a broadcast program received by an external receiving apparatus (See Paragraph 108 lines 1-6). Ellis further anticipates profile generation means for generating a user profile based on a history of a broadcast program and the program information through the input means (See Paragraph 142 lines 1-10, Paragraph 143 lines 1-10, Paragraph 158 lines 7-12).

Regarding Claim 13, Ellis anticipates a data receiving apparatus, comprising receiving means for receiving a television broadcast signal of a broadcast program (See Paragraph 104 lines 13-16). Then further anticipates output means for outputting program information about a broadcast program received to an external receiving apparatus (See Paragraph 108 lines 1-6). Ellis further anticipates external receiving apparatus inputs program information and generates a user profile based on the program information by " FIG. 18d shows an illustrative directory screen 350 that may be displayed by the program guide when the user indicates a desire to view a directory of the programs that the user has recorded on remote media server 24 or local media server 29. Directory screen 350 may display program-related information like that displayed by overlay 320 (See Paragraph 147 lines 1-6)".

Regarding Claim 14, Ellis further anticipates output means outputs program information to external receiving apparatus in response to a change of a broadcast program by "The job queue may be examined at step 2880 to determine if enough users have requested each program for recording. Job queue entries may be examined, for example, 15 minutes before a program is scheduled to air. If too few users requested a given program, the users who requested the program may be notified (step 2890) and the program guide may record the program locally by using, for example, local media server 29 (See Paragraph 191 lines 1-8)".

Regarding Claim 17, Ellis further anticipates recording and reproduction means for recording and reproducing data relating to a broadcast program on and from a storage medium, wherein output means outputs program information of data reproduced from storage medium by " Programs and program guide data may be recorded and played back on-demand by remote media server 24 in response to record and playback requests. (See Paragraph 74 lines 1-3). As used herein, .. playing back "programming" or "programs" may include ... playing back program associated data (See Paragraph 75 lines 11-14)".

Regarding Claim 18, Ellis further anticipates recording and reproduction means can book data of broadcast program to be recorded on storage medium and wherein the output means outputs program information of program booked for recording by "Programs and program guide

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data may be recorded and played back on-demand by remote media server 24 in response to record and playback requests. (See Paragraph 74 lines 1-3). As used herein, recording "programming" or "programs" may include recording ... program associated data (See Paragraph 75 lines 11-14)".

Regarding Claim19, Ellis anticipates a method for receiving a television broadcast signal by a receiving apparatus, comprising a receiving steps for receiving of a broadcast program (See Paragraph 104 lines 13-16). Ellis further anticipates input steps of inputting program information about a broadcast program received by an external receiving apparatus (See Paragraph 108 lines 1-6). Ellis further anticipates a profile generation steps of generating a user profile based on a history of a broadcast program and the program information by the input steps (See Paragraph 142 lines 1-10, Paragraph 143 lines 1-10, Paragraph 158 lines 7-12).

Regarding Claim20, Ellis further anticipates a searching step of searching for a program based on the user profile by "Processing circuitry 11 may process the requests by searching a user's user directory 59 for the requested programs (See Paragraph 91 lines 4-6)".

Regarding Claim21, Ellis further anticipates a picture generation step of generating a guidance picture based on a search result and a display control step of outputting image data of the guidance picture by "FIG. 18d shows an illustrative directory screen that may be displayed by the program guide when a user indicates a desire to access a directory of programs recorded for a user on the remote media server of FIGS. 2a-2e or the local media server of FIG. 7 (See Paragraph 42)".

Regarding Claim22, Ellis further anticipates profile generation step detecting a view time of a program associated with the program information and generates user profile based on detected view time by "Illustrative entries 121 in job queue 120 are also shown in FIG. 5. The entries 121 may include, for example, the dates, start times, end times (or durations), channels, and program identifiers for the programs that have been selected for recording on remote media server 24 (See Paragraph 87 lines 1-5)".

Regarding Claim25, Ellis further anticipates the external receiving apparatus can record and reproduce data on and from a storage medium and wherein input step inputting program information of data reproduced from the storage medium by " Programs and program guide data may be recorded and played back on-demand by remote media server 24 in response to record and playback requests (See Paragraph 74 lines 1-3)".

Regarding Claim26, Ellis further anticipates external receiving apparatus can book recording a received program and wherein input step inputting program information of program for which recording is booked by " FIG. 11a shows, for, example, a listing for a scheduled recording of "I Love Lucy" at 10:30 PM on Jun. 5, 1999. The listing has icon 299 that indicates the listing is for a program that is to be recorded (See Paragraph 125 lines 8-11)".

Regarding Claim29, Ellis further anticipates external receiving apparatus can record data relating to a received program on a storage medium and wherein input step inputting program information of said stored data into the storage medium by "Programs and program guide data may be recorded and played back on-demand by remote media server 24 in response to record and playback requests (See Paragraph 74 lines 1-3)".

Regarding Claim30, Ellis anticipates a storage medium storing a program for realizing the method in Claim19 when executed by a computer by "The interactive television program guide or program guide client may run on set-top box 28, on television 36, on optional digital storage device 31 (if television 36 or optional digital storage device 31 has suitable processing circuitry and memory) (See Paragraph 99 lines 1-5)".

Regarding Claim31, Ellis anticipates a method for receiving a television broadcast signal by a data receiving apparatus, comprising a receiving steps for receiving of a broadcast program (See Paragraph 104 lines 13-16). Ellis further anticipates input steps of inputting program information about a broadcast program received by an external receiving apparatus (See Paragraph 108 lines 1-6). Ellis further anticipates a profile generation steps of generating a user profile based on input program information (See Paragraph 142 lines 1-10, Paragraph 143 lines 1-10, Paragraph 158 lines 7-12).

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Regarding Claim32, Ellis anticipates a storage medium storing a program for realizing the method in Claim31 when executed by a computer by "The interactive television program guide or program guide client may run on set-top box 28, on television 36, on optional digital storage device 31 (if television 36 or optional digital storage device 31 has suitable processing circuitry and memory) (See Paragraph 99 lines 1-5)".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 2003/0149988 A1) as applied to claims 1-4, 7-8, 11-14, 17-22, 25-26, 29-32 above, and further in view of Ukai et al (US 7,096,486 B1).

Regarding Claims 5 and 23, Ellis teaches a profile generation means and step for generating a user profile based on a history of a broadcast program and the program information by the input means (See Paragraph 142 lines 1-10, Paragraph 143 lines 1-10, Paragraph 158 lines 7-12). Ellis also teaches profile generation means and step detecting a view time of a program associated with the program information by the input means and generates the user profile based on the detected view time. However, Ellis does not teach profile generation means and step generates a user profile based on the program information when said view time is longer than a predetermined time. Ukai does teach viewer time is longer than a predetermined time by "FIG. 4 shows the formation of the view monitoring table 400 for recording the history of a program being viewed. The view monitoring table 400 specifies program name 402, program completion time 403 and view time period 404 for each program (See Col 5 lines 29-33). FIG. 5 shows the formation of the view history table 500 showing view scores and view measures

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indicating an extent to which each program was viewed (See Col 5 lines 40-42)". It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ellis (See Paragraph 142 lines 1-10, Paragraph 143 lines 1-10, Paragraph 158 lines 7-12, Paragraph 87 lines 1-5, Paragraph 61 lines 7-11, Paragraph 188 lines 9-12) with view time longer than a predetermined time taught by Ukai (See Col 5 lines 29-33, Col 5 lines 40-42) as an easy way to search and identify the favorite programs.

4. Claims 6, 15, 16, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 2003/0149988 A1) as applied to claims 1-4, 7-8, 11-14, 17-22, 25-26, 29-32 above, and further in view of Klarfeld et al (US 2003/0067554 A1).

Regarding Claims 6 and 24, Ellis teaches input means and step for inputting program information about a broadcast program received by an external receiving apparatus (See Paragraph 108 lines 1-6). Ellis does not teach input means and step inputting information indicating power-off of external receiving unit and wherein profile generation means generates the user profile based on the power-off and the input program information. However, Klarfeld does teach input means and step inputting information indicating power-off of external receiving unit and wherein profile generation means generating the user profile based on the power-off and the input program information by " This function is called during a channel change event, when a DVCR function (such as pause, resume, play, rewind or fast forward) is invoked, during a channel lineup change event, during a TV Power on event or a TV Power off event. (TV Power on & TV Power off events do not alter the power status of the Set Top Box but of the TV viewing device only) (See Paragraph 487 lines 1-7). The viewer record generated by VRM gives information about events such as channel change, power on and power off. The CDM uses these viewer records to generate the Liking records. Liking records are used to monitor a set of EPG parameters of the programs derived from the viewer records (See Paragraph 1647 lines 1-6). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ellis (See Paragraph 108 lines 1-6) with input means

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inputting information indicating power-off and program information taught by Klarfeld (See Paragraph 487 lines 1-7, Paragraph 1647 lines 1-6) as a standard practice to keep track of the viewer profile based on the last seen program when the viewing device is in-active.

Regarding Claim 15, Ellis teaches a data receiving apparatus, comprising receiving means for receiving a television broadcast signal of a broadcast program (See Paragraph 104 lines 13-16). Then further anticipates output means for outputting program information about a broadcast program received to an external receiving apparatus (See Paragraph 108 lines 1-6). Ellis further anticipates external receiving apparatus inputs program information and generates a user profile based on the program information (See Paragraph 147 lines 1-6). Ellis does not teach output means outputting program information in response to power-on of receiving apparatus. However, Klarfeld does teach output means outputting information in response to power-on of receiving unit by "This task is either wakes itself up to complete scheduled tasks or is woken up by the VSM module when it generates a power on event. The tasks handled by the background task are: copying of the EPG data for periods when the Viewing Device is active (See Paragraph 367 lines 5-10)". It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ellis program (See Paragraph 104 lines 13-16, Paragraph 108 lines 1-6, Paragraph 147 lines 1-6) with output means outputting information indicating power-on taught by Klarfeld (See Paragraph 367 lines 5-10) as a standard practice to keep track of the viewer profile based on the active status of the viewing device.

Regarding Claim 16, Ellis teaches a data receiving apparatus, comprising receiving means for receiving a television broadcast signal of a broadcast program (See Paragraph 104 lines 13-16). Then further anticipates output means for outputting program information about a broadcast program received to an external receiving apparatus (See Paragraph 108 lines 1-6). Ellis further anticipates external receiving apparatus inputs program information and generates a user profile based on the program information (See Paragraph 147 lines 1-6). Ellis does not teach output means outputting reception end information in response to power-off of receiving

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apparatus to external receiving apparatus and generates user profile based on the reception end information. Klarfeld does teach output means outputting information indicating power-off of the receiving unit and wherein profile generation means generating the user profile based on the reception end information (See Paragraph 487 lines 1-7, Paragraph 1647 lines 1-6). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ellis (See Paragraph 104 lines 13-16, Paragraph 108 lines 1-6, Paragraph 147 lines 1-6) with output means outputting information indicating program end information taught by Klarfeld (See Paragraph 487 lines 1-7, Paragraph 1647 lines 1-6) as a standard practice to keep track of the viewer profile based on the last seen program when the viewing device is in-active.

5. Claims 9, 10, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 2003/0149988 A1) as applied to claims 1-4, 7-8, 11-14, 17-22, 25-26, 29-32 above, and further in view of Knee et al (US 2002/0095676 A1).

Regarding Claims 9 and 27, Ellis teaches external receiving apparatus can book recording a received broadcast program and input means and step inputting program information of program being booked for recording in the external apparatus (See Paragraph 125 lines 8-11). Ellis does not teach profile generation means and step varies a weight to the user profile between program information of a program received by the external receiving apparatus and program information of program for which recording is booked. However, Knee does teach profile generation means and step varies a weight to the user profile between program information of a program received by the external receiving apparatus and program information of program for which recording is booked by "recording a program with weight value of 1.0; setting a reminder with weight value of 0.5; tuning to a program and watching for at least five minutes with weight value of 0.5 (See Paragraph 35 lines 6-9). Therefore, according to the example of FIG. 3, a user who records a program will have greater values for the pertinent demographic categories than she will retrieving information about the same program. This is because the act of recording a program generally indicates a greater level of interest in the program than just retrieving

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information for the program (See Paragraph 35 lines 14-20)". It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ellis (See Paragraph 125 lines 8-11) with profile generation means varies a weight to the user profile between program information of a program received by the external receiving apparatus and program information of program for which recording is booked taught by Knee (See Paragraph 35 lines 6-9, Paragraph 35 lines 14-20) as a standard practice to keep track of the viewer profile based on the level of interests in the program by recording a program.

Regarding Claims 10 and 28, Ellis teaches external receiving apparatus can book recording a received broadcast program and input means and step inputting program information of program being booked for recording in the external apparatus (See Paragraph 125 lines 8-11). Ellis further teaches input means and step inputting record end information of the booked program (See Fig. 18b 320 showing program JETS V. MIAMI on FOX channel 5 was recorded on 4:00 PM). Ellis does not teach profile generation means and step varies a weight to the user profile between program information of a program received by the external receiving apparatus and program information of program relating to the recording end information. However, Knee does teach profile generation means and step varies a weight to the user profile between program information of a program received by the external receiving apparatus and program information of program relating to the recording end information (See Paragraph 35 lines 6-9, Paragraph 35 lines 14-20). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ellis (See Paragraph 125 lines 8-11, See Fig. 18b 320 showing program JETS V. MIAMI on FOX channel 5 was recorded on 4:00 PM) with profile generation means varies a weight to the user profile between program information of a program received by the external receiving apparatus and program information of program relating to the recording end information taught by Knee (See Paragraph 35 lines 6-9, Paragraph 35 lines 14-20) as a standard practice to keep track of the viewer profile based on the level of interests in the program by recording a program.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to fred peng whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 07:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, shanon foley can be reached on (571)272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Fred Peng
Patent Examiner



Shanon Foley
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